



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

March 20, 2026

MEMORANDUM

FROM: Chairman Andrew N. Ferguson

TO: Daniel Guarnera, Director, Bureau of Competition
Christopher Mufarrige, Director, Bureau of Consumer Protection
Ted Rosenbaum, Acting Director, Bureau of Economics
Brendan Chestnut, Director, Office of Policy Planning
Ian Mason, Acting Chief Technology Officer

SUBJECT: Directive Regarding Healthcare Task Force

Healthcare is a priority for the FTC’s enforcement and advocacy work in large part because of the President’s executive order to create a “more competitive, innovative, affordable, and higher quality healthcare system.”¹

Making America’s healthcare system work better—for patients, workers, and taxpayers—is a no brainer. The industry constitutes an extraordinary eighteen percent of our country’s GDP, yet too many Americans struggle to get the care they need at prices they can afford. Consolidation and anticompetitive conduct have distorted the economic landscape in many healthcare markets. The results are disturbing: higher prices, decreased quality, less access and transparency, and stifled innovation. Vulnerable populations including rural communities, seniors, and veterans lack access to affordable and convenient care. Anticompetitive regulations further undermine incentives to lower costs and improve the quality of care.

We must remain vigilant in policing unlawful business practices in the healthcare space. Luckily, the FTC has a dual mandate to protect the American people from unfair or deceptive practices and unfair methods of competition. And given the breadth and significance of the healthcare industry, the FTC’s relevant healthcare expertise and ongoing work extend throughout all our Bureaus and Offices.

In just the last year, we already secured several wins for Americans. For example:

- The FTC secured a landmark settlement with one of the nation’s largest pharmacy benefit managers, Express Scripts, Inc., and its affiliated entities (collectively “ESI”), requiring ESI to adopt fundamental changes to its business practices that increase transparency, are expected to drive down patients’ out-of-pocket costs for drugs like insulin by up to \$7 billion over 10 years, bring millions of dollars in new revenue to community pharmacies each year, and advance the Trump Administration’s key healthcare priorities.

¹ Exec. Order No. 142218 (Feb. 25, 2025), <https://www.whitehouse.gov/presidential-actions/2025/02/making-america-healthy-again-by-empowering-patients-with-clear-accurate-and-actionable-healthcare-pricing-information/>.

- The FTC successfully challenged Edwards’ proposed acquisition of JenaValve, preserving competition on innovation, product quality, and potentially pricing in the U.S. market for transcatheter aortic valve replacement devices (TAVR-AR devices), which treat a heart condition called aortic regurgitation.
- The FTC stopped the proposed merger of Alcon and Lensar, the two most significant players in the market for laser systems used in femtosecond laser-assisted cataract surgery, known as FLACS. After staff identified substantial competitive concerns—Alcon and Lensar were locked in a price war and their vigorous competition had spurred innovation in the FLACS market—the companies abandoned the deal.
- The FTC filed renewed challenges against dozens of improperly listed device patents that shield brand-name epinephrine autoinjectors and asthma, diabetes, and COPD drugs from generic competition, which led to Teva Pharmaceuticals removing more than 200 improper patent listings from the Food and Drug Administration’s Orange Book.
- The FTC obtained \$145 million in consumer redress from companies it alleged misled millions of consumers seeking health insurance into purchasing indemnity, telemedicine, and health discount plans.
- In January, the FTC obtained a temporary restraining order against another company it alleges caused tens of millions of dollars in harm to consumers through the deceptive marketing of health care plans.
- The FTC agreed to resolve charges that substance-abuse facilities used telemarketers to impersonate other facilities and funnel consumers with substance-abuse disorders from recommended, local facilities to their own, securing \$2.4 million in redress for consumers.
- The FTC took action against a telehealth company that used deceptive cost and weight loss claims, as well as fake reviews and testimonials, to lure consumers into buying their weight-loss membership programs that had hidden terms and conditions, securing redress to be refunded to consumers.
- The FTC sent refund checks to hundreds of consumers who bought certain products marketed with deceptive health claims, for example, deceptive claims that these products would treat or cure COVID-19, cancer, Parkinson’s disease, etc.

To harness that vast knowledge and take full advantage of the agency’s unique dual mandate, I am directing the FTC’s Bureau of Competition, Bureau of Consumer Protection, Bureau of Economics, Office of Policy Planning, and Office of Technology to take a coordinated, integrated approach to healthcare enforcement and advocacy.

As a first step, the Bureaus of Competition, Consumer Protection, and Economics, Office of Policy Planning and Office of Technology will form a Healthcare Task Force. Through the Task Force, the agency’s teams will share knowledge, resources, third-party sources, market intelligence, case leads, and relationships with other agencies and stakeholders.

In addition to serving that vital knowledge-sharing role, the Task Force will identify and lead targeted enforcement and advocacy initiatives focused on key priorities within the healthcare space in coordination with the Chairman’s office and the Bureau Front Offices. The Task Force will devise coherent agency-wide strategies on new and nascent investigations, institute a proactive and strategic approach to identifying amicus and statement of interest opportunities and conduct ongoing horizon-scanning exercises to identify emerging issues and new priority areas for enforcement and advocacy.

The Task Force will be co-chaired by one representative from each of the Bureaus of Competition and Consumer Protection, each of whom shall be designated by their respective Bureau Directors. In addition to the co-chairs, the Task Force will include at least three members from each Commission Bureau and one member from each of the Office of Policy Planning, the Office of Technology, and the Office of General Counsel. The full Task Force will meet at least once a month and report to the Chairman on a quarterly basis.

To ensure we are taking a coherent approach to addressing consumer-protection and competition problems in the healthcare industry, the Task Force's mandate will include seeking to expand its membership to agency and law enforcement partners with relevant expertise and complementary roles to play in carrying out this vital mission, including the Department of Health and Human Services and the Department of Justice. In standing up this Healthcare Task Force, I intend to ensure that the FTC is doing everything possible to take a comprehensive, coordinated, and effective approach to addressing existing and emerging consumer-protection and competition issues across the healthcare industry. Together, we will make our economy great again for all American patients, healthcare workers, and taxpayers.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew N. Ferguson". The signature is fluid and cursive, with a prominent "A" and "F".

Andrew N. Ferguson
Chairman, Federal Trade Commission